

Protocol for Independent Members of the Standards Committee

1. This Protocol applies to you as an independent member of the Standards Committee. In addition, the Protocols for Members of the Standards Committee and Sub-Committee and Chair of the Standards Committee (where relevant) also apply to you.
2. You are expected to demonstrate a high degree of personal integrity and to have an appreciation of the ethical standards required of people holding public office.
3. You should not engage in any behaviour which a member of the public with knowledge of the relevant facts would reasonably regard as compromising your position. For example, you should discuss invitations to events with the Monitoring Officer.
4. Whilst membership of a political party (including a branch of such a party) is not prohibited (but see paragraph 5 below), you may not:
 - (a) be an officer of the party or participate in the general management thereof;
 - (b) be a member of any committee or sub-committee of the party;
 - (c) stand for election to public office, either on behalf of a political party or as an independent;
 - (d) nominate, second or assent to the nomination of any candidate for election to public office;
 - (e) canvass on behalf of a political party or on behalf of a person who is, or who proposes to be, a candidate for election to public office; or
 - (f) be a member or an officer of the Council or of any other relevant authority (see paragraph 7 below).

For the avoidance of doubt, you will need to cease such activities or involvement when appointed to the Standards Committee.

5. In accordance with its Council's Equality Policy, the Council has a duty as a public authority under the Race Relations Amendment Act 2000 to:
 - eliminate unlawful discrimination;
 - promote equality of opportunity; and
 - promote good relations between persons of different groupsand this precludes you from being a member of any political party whose constitution, aims, objectives or pronouncements are inconsistent with this duty.
6. Membership on the Council's Standards Committee does not preclude you from being an independent member of another relevant authority's standards committee.
7. A 'relevant authority' is defined in section 49(6) of the Local Government Act 2000. It includes all local authorities and other public bodies e.g. fire authorities and police authorities.

Breach of this Protocol could result in a complaint to the Standards Committee for investigation.

If in doubt seek advice from Linda Fisher, Monitoring Officer
Tel: 01706 252447 Email: lindafisher@rossendalebc.gov.uk

Protocol – Standards Committee Chair

Role Purpose

Under the direction of the Council and the Standards Committee:-

- To act as the spokesperson of the Standards Committee to the Council and the Town Council.
- To contribute fully as a member of the Standards Committee.

Key Responsibilities

- Ensure he/she is sufficiently and effectively briefed on the issues within the Committee's terms of reference.
- Ensure that members of the Committee adhere to the relevant Rules of Procedure and Codes of Conduct contained in the Council's Constitution.
- Ensure the effective and orderly operation of the Committee.
- Ensure that the Committee has proper regard to the advice of the Monitoring Officer and his/her deputy.
- Ensure meetings of the Committee are regulated in accordance with the Rules of Procedure and are conducted in an orderly structured manner enabling effective debate.
- Ensure that the Committee follows approved procedures, codes and protocols.
- As a member of the Standards Committee, to report back to the Council with regard to the work of the Standards Committee.
- Meet with the Monitoring Officer or his/her nominee to ensure the receipt of appropriate advice to inform effective functioning of the Committee.

Breach of this Protocol could result in a complaint to the Standards Committee for investigation.

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Tel: 01706 252447 Email: lindafisher@rossendalebc.gov.uk

Protocol – Standards Committee and Sub-Committee Member

Main Role

- The promotion and maintenance of high standards of conduct.
- As a member of the Standards Committee, to advise the Council on the adoption or revision of its Code of Conduct.
- As a member of the Standards Committee/Sub-Committees, to monitor and advise the Council about the operation of its Code of Conduct in light of best practice, changes in the law and guidance from the Standards Board.
- As a member of the Standards Committee, to enable all members of the Council/Town Council to have access to training actively promoted in all aspects of the relevant Code of Conduct, and to ensure that members are aware of the standards expected of them under the Code.
- As a member of the Standards Committee/Sub-Committees, to have the respect of the whole authority, regardless of the governing political party by ensuring that you make judgments impartially.

Duties and Main Responsibilities

- To carry out the functions relating to standards of conduct of members under any relevant provision of or regulations made under the Local Government Act 2000.
- As a member of the Standards Committee, to advise the Council on the adoption of protocols relating to conduct of Members and their relationship with officers.
- As a member of the Standards Committee, to consider and determine appropriate action on either breaches or alleged breaches by members of the relevant Codes of Conduct and protocols, in accordance with the relevant adopted procedures.
- To undertake appropriate training in order to fulfil the role of a member of the Standards Committee.
- To maintain a working knowledge of any relevant provisions of or regulations made under the Local Government Acts in relation to Code of Conduct issues and any advice and guidance received from the Standards Board for England.
- To develop and maintain a working knowledge of the Council's policies, services and activities.
- As a member of the Standards Committee or Sub-Committees to not become embroiled in alleged breaches of the Code of Conduct or the Council's protocols unless as part of the Standards Committee hearing procedures
- To retain confidentiality when involved in investigations.
- To exercise the above in relation to Whitworth Town Council members.

Breach of this Protocol could result in a complaint to the Standards Committee for investigation.

Protocol for Town Councillors serving on the Standards Committee

1. This Protocol applies to you as a Town Councillor serving on the Standards Committee. In addition, the Protocol for Members of the Standards Committee also applies to you.
2. As a member of the Standards Committee, to have the respect of the Town Council by ensuring that you make judgments impartially.
3. As a member of the Standards Committee, to monitor and advise the Town Council about the operation of its Code of Conduct in light of best practice, changes in the law and guidance from the Standards Board and the Monitoring Officer.
4. As a member of the Standards Committee, to enable all members of the Town Council to have access to training actively promoted in all aspects of the relevant Code of Conduct, and to ensure that members are aware of the standards expected of them under the Code.

Breach of this Protocol could result in a complaint to the Standards Committee for investigation.

If in doubt seek advice from Linda Fisher, Monitoring Officer
Tel: 01706 252447 Email: lindafisher@rossendalebc.gov.uk

ROSSENDALE BOROUGH COUNCIL – CHIEF FINANCE OFFICER
(Section 151 Officer) Protocol

A. General Introduction to Statutory Responsibilities

1. The Chief Finance Officer is a statutory appointment pursuant to Section 151 of the Local Government Act 1972. This Protocol provides some general information on how those statutory requirements will be discharged at Rossendale Borough Council.
2. The current responsibilities of the Chief Finance Officer role rest with the Head of Finance, who undertakes to discharge these statutory responsibilities in a positive way and in a manner that enhances the overall reputation of the Council. In doing so, the Chief Finance Officer will also safeguard, so far as is possible, Members and Officers, whilst acting in their official capacities, from financial difficulties.
3. A summary list of the statutory responsibilities appears in the table annexed to this document. In general terms, the Chief Finance Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on Members and Officers:-
 - a) complying with the Council's financial procedures;
 - b) making lawful payments; and
 - c) not taking action that would result in unlawful payments or unlawful action.

B. Working Arrangements

4. According to the Chartered Institute of Public Finance and Accountancy (CIPFA), there are five key roles that are critical to the achievement of a Chief Finance Officer's statutory responsibilities:-
 - maintaining strong financial management underpinned by effective financial controls;
 - contributing to corporate management and leadership;
 - supporting and advising democratically elected representatives;
 - supporting and advising officers in their operational roles; and
 - leading and managing an effective and responsive financial service.

5. Having excellent working relations with Members and Officers will assist in the discharge of the statutory responsibilities of the Chief Finance Officer. Equally, a speedy flow of relevant information and access to debate (particularly at the early stages of any decision-making by the Council) will assist in fulfilling those responsibilities. Members and Officers should, therefore, work with the Chief Finance Officer to discharge the Council's statutory and discretionary responsibilities.

6. The following arrangements and understandings between the Chief Finance Officer, Members and Senior Managers are designed to ensure the effective discharge of the Council's business and functions. The Chief Finance Officer will:
 - a) be alerted by Members and Officers to any issue(s) that may become of concern to the Council, including in particular, issues around financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or deficit;
 - b) have advance notice (including receiving Agendas, Minutes, Reports and related papers) of all relevant meetings of the Council at which a decision may be made (including a failure to take a decision where one should have been taken) at or before the Council, Cabinet, Committee meetings and Sub-Committee meetings (or equivalent arrangements);
 - c) have the right to attend any meeting of the Council (including the right to be heard and report to the Cabinet) before any decision is taken (including a failure to take a decision where one should have been taken) at or before the Council, Cabinet, Committee meetings and Sub-Committee meetings (or equivalent arrangements);
 - d) in carrying out any investigation(s) and exercising any fiduciary duties have unqualified access to any information held by the Council and to any Officer who can assist in the discharge of his functions;
 - e) ensure the other statutory officers (Head of Paid Service and the Monitoring Officer) are kept up-to-date with relevant information regarding any financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or deficit;
 - f) meet regularly with the Head of Paid Service and the Monitoring Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern regarding any financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or deficit;
 - g) report to the Council, from time to time, on the Financial Regulations and any necessary or desirable changes following consultation, in particular with the Head of Paid Service and Monitoring Officer;

- h) as per the statutory requirements, make a report to the Council, as necessary, on the staff, accommodation and resources required to discharge his or her statutory functions;
 - i) develop effective working liaison and relationship with the External Auditor (including having the authority, on behalf of the Council, to complain to the same, refer any breaches to the same or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary);
 - j) in consultation, as necessary, with the Chair of the Council, the Cabinet and the External Auditor, defer the making of a formal report under Section 114, 115 and 116 of the Local Government and Finance Act 1988 where another investigative body is involved;
 - k) have sufficient resources to address any matters concerning his or her Chief Finance Officer functions; and
 - l) nominate a suitably qualified deputy and keep the deputy briefed on any relevant issues that the deputy may be required to deal with in the absence of the Chief Finance Officer. Appoint an appropriate external adviser in cases where the Chief Finance Officer is precluded from offering advice and the deputy is unable to advise.
7. To ensure the effective and efficient discharge of the arrangement set out in paragraph 5 above, Members and Officers will report any breaches of statutory duty or Council policies or procedures and other legal or constitutional concerns to the Chief Finance Officer, as soon as practicable.
8. The Chief Finance Officer is also available for Members and Officers to consult on any issues of the Council's financial powers, possible unlawful payments, or general advice on the financial arrangements.
9. To ensure the effective and efficient discharge of this Protocol, the Chief Finance Officer will ensure adequate insurance and indemnity arrangements are in place for the same to protect and safeguard the interests of the Council and the proper discharge of the Chief Finance Officer role.
10. The Chief Finance Officer or deputy will record details of any advice given.

ANNEX 1

SUMMARY OF CHIEF FINANCE OFFICER FUNCTIONS

	<u>Description</u>	<u>Source</u>
1.	Report on decisions incurring unlawful expenditure, unlawful loss or deficiency or unlawful item of account.	Section 114, 114a, 115, 116 Local Government and Finance Act 1988.
2.	Appointment of Deputy.	Section 114 Local Government and Finance Act 1988.
3.	Report on resources.	Section 114 Local Government and Finance Act 1988.
4.	Responsibility for the administration of financial affairs.	Section 151 Local Government Act 1972.
5.	Borrowing, investment accounts and financial administration.	Local Government Act 2003 Sections 1-92.
6.	Responsibility to determine the form of the Council's accounts and records, provide internal audit and statement of accounts.	The Accounts and Audit Regulations 2003. Local Authorities (Capital Finance and Accounting) (England) Regulations 2003.

Monitoring Officer Protocol

General Introduction to Statutory Responsibilities

The Monitoring Officer is a statutory appointment under Section 5 of the Local Government and Housing Act 1989. This Protocol provides some general information on how those statutory requirements will be discharged at Rossendale Borough Council.

The current responsibilities of the Monitoring Officer role rest with the Executive Director of Regulatory Services who undertakes to discharge his/her statutory responsibilities in a manner that enhances the overall reputation of the Council. In doing so he/she will also safeguard, so far as is possible, Members and Officers whilst acting in their official capacities, from legal difficulties and/or criminal sanctions.

The main functions of the Monitoring Officer at Rossendale Council are:

1. To report to the Council and to the Cabinet in any case where he/she is of the opinion that any proposal or decision of the authority has given rise to or is likely to or would give rise to any illegality, maladministration or breach of statutory code under Sections 5 and 5A of the Local Government and Housing Act 1989; (LGHA 89)
2. To investigate any matter, which he/she has reason to believe may constitute, or where s/he has received an allegation that a matter may constitute, a reportable incident under Sections 5 and 5A of the LGHA 89;
3. To act as the principal adviser to the authority's Standards Committee;
4. To act as the principal adviser to the authority's Standards Panels;
5. To maintain the register of members' interests;
6. To act as the Proper Officer for the preparation, publication and retention of records of decisions taken by or on behalf of the Council and the Executive;
7. To have responsibility for responding to complaints to the Local Government Ombudsman
8. To undertake, with others, investigations in accordance with the Council's Whistleblowing procedures
9. To act as Proper Officer for the Data Protection Act 1998 and the Freedom of Information Act 2000

In general terms, the Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on Members and Officers:

1. complying with the law (including any relevant Codes of Conduct);
2. complying with any General Guidance issued, from time to time, by the Standards Committee and the Monitoring Officer;
3. making lawful and proportionate decisions; and
4. complying with the Council's Constitution and Procedure Rules
5. generally, not taking action that would bring the Council, their offices or professions into disrepute
6. communicating effectively with the Monitoring Officer and seeking advice on any issues relating to constitutional or ethical matters

The main statutory references for the Monitoring Officer's functions are set out in Appendix 1.

Working Arrangements

It is important that Members and Officers work together to promote the corporate health of the Council. The Monitoring Officer plays a key role in this and it is vital, therefore, that Members and Officers work with the Monitoring Officer (and his/her staff) to enable him/her to discharge his/her statutory responsibilities and other duties.

The following arrangements and understandings between the Monitoring Officer, Members and Senior Managers are designed to ensure the effective discharge of the Council's business and functions. The Monitoring Officer will:

1. be alerted by Members and Officers to any issue(s) that may become of concern to the Council, including, in particular issues around legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
2. have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the Council at which a binding decision of the Council may be made (including a failure to take a decision where one should have been taken) at or before the Council, Cabinet or Committee meetings;
3. have the right to attend any meeting of the Council (including the right to be heard) before any binding decision is taken by the Council (including a failure to take a decision where one should have been taken) at or before the Council, Cabinet, Committee meetings;
4. in carrying out any investigation(s) have unqualified access to any information held by the Council and to any member or officer who can assist in the discharge of his/her functions;
5. ensure the other statutory officers (Head of Paid Service and the Chief Finance Officer, otherwise known as the Section 151 Officer, and/or The Head of Finance) are kept up-to-date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
6. meet regularly with the Head of Paid Service and the Chief Finance Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
7. report to the Council, from time to time, on the Constitution and any necessary or desirable changes following consultation, in particular, with the Leader, the Head of Paid Service and Chief Finance Officer;

8. in accordance with statutory requirements, make a report to the Council, as necessary on the staff, accommodation and resources s/he requires to discharge his/her statutory functions;
9. have an appropriate relationship with the Executive Leader, Deputy Leader and the Chairs of Committees with a view to ensuring the effective and efficient discharge of Council business;
10. develop effective working liaison and relationship with the Standards Board for England, the District Auditor and the Local Government Ombudsman (including having the authority, on behalf of the Council, to complain to them, refer any breaches to them or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary) and settle any compensation payments for alleged or actual maladministration found against the Council in consultation with the Head of Paid Service and the appropriate Head of Service;
11. maintain and keep up-to-date relevant statutory registers for the declaration of members' interests, gifts and hospitality;
12. give informal advice and undertake relevant enquiries into allegations of misconduct (in the absence of a written complaint being received by the Standards Board for England) and, if appropriate, make a written report to the Standards Committee (unless the Chair of the Standards Committee agrees a report is not necessary) or to the Standards Board for England if, in the opinion of the Monitoring Officer, there is a serious breach of Rossendale's Council's Code of Conduct for Members;
13. in consultation, as necessary, with the Leader of the Council, Cabinet, Standards Committee and the Standards Board for England, defer the making of a formal report under Section 5 Local Government and Housing Act 1989 where another investigative body is involved;
14. undertake all statutory Monitoring Officer functions in respect of Whitworth Town Council and make arrangements to ensure effective communication between his/her office and the Clerk to Whitworth Town Council on Monitoring Officer and Standards Committee issues;
15. subject to the approval of the Standards Committee, be responsible for preparing any training programme for members on ethical standards and Code of Conduct issues;
16. oversee the implementation and monitor the operation of the Code of Corporate Governance and report annually to the Cabinet on compliance with the Code;
17. advise on all applications from Council employees (or prospective employees) for exemption from political restriction in respect of their posts and where appropriate sign the certificate of opinion required by the independent adjudicator;

18. appoint a deputy and keep him/her briefed on any relevant issues that he/she may be required to deal with in the absence of the Monitoring Officer. The Deputy will only act in the absence of the Monitoring Officer if urgent action is required which cannot await the return of the Monitoring Officer.

To ensure the effective and efficient discharge of the arrangements set out in paragraph 5 above, Members and Officers will report any breaches of statutory duty or Council policies or procedures and other vices or constitutional concerns to the Monitoring Officer, as soon as practicable.

The Monitoring Officer will seek to resolve potential reportable incidents by avoiding the illegality etc., or by identifying alternative and legitimate means of achieving the objective of the proposal.

Where the Monitoring Officer receives a complaint of a potential reportable incident, he/she shall in appropriate cases seek to resolve the matter amicably, by securing that any illegality, failure of process or breach of code is rectified, that the complainant is informed of the rectification, with or without a compensation payment and/or apology. However, it is recognised that the Monitoring Officer may determine that the matter is of such importance that a statutory report is the only appropriate response.

In appropriate cases, the Monitoring Officer may rely upon existing processes within the Authority (such as internal appeals procedures or insurance arrangements) to resolve any potential reportable incident, but may intervene in such processes to identify that the particular matter is a potential reportable incident and to ensure the satisfactory resolution of the issue.

In appropriate cases, and to secure the rapid resolution of a potential reportable incident or avoid a separate statutory report, the Monitoring Officer shall be entitled to add his/her written advice to the report of any other Officer of the Authority.

Notwithstanding the above, the Monitoring Officer retains the right in all cases to make a statutory report where, after consultation with the Chief Executive and the Chief Finance Officer, he/she is of the opinion that this is necessary in order to respond properly to a reportable incident. In addition, in appropriate cases, the Monitoring Officer may refer matters to the Police for investigation.

The Monitoring Officer is available for Members and Officers to consult on any issues of the Council's legal powers, possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements (for example, Procedure Rules policy framework, terms of reference, scheme of delegations etc).

To ensure the effective and efficient discharge of this Protocol, the Chief Finance Officer will ensure adequate insurance and indemnity arrangements are in place to protect and safeguard the interests of the Council and the proper discharge of the Monitoring Officer role.

Sanctions for Breach of Rossendale's Council's Code of Conduct for Members and this Protocol

Complaints about any breach of Rossendale Council's Code of Conduct for Members must be referred to the Standards Board for England, which could lead, ultimately, to the disqualification of a Member. Complaints about any breach of this Protocol by a Member will be referred to the Standards Committee and to the relevant Leader of the Political Party Group. Complaints about any breach of this Protocol by an Officer may be referred to the relevant Head of Service and/or the Chief Executive.

Appendix 1

Monitoring Officer Protocol

Summary of Main Monitoring Officer Functions

Description	Source
1 Report on contraventions or likely contraventions of any enactment or rule of law	Section 5 Local Government and Housing Act 1989
2 Report on any maladministration or injustice where Ombudsman has carried out an investigation	Section 5 Local Government and Housing Act 1989
3 Appointment of Deputy	Section 5 Local Government and Housing Act 1989
4 Report on resources	Section 5 Local Government and Housing Act 1989
5 Receive copies of whistleblowing and allegations of misconduct	Code of Conduct for Members and Co-opted Members of Rossendale Council
6 Investigate misconduct in compliance with Regulations (when made) and directions of Ethical Standards Officers	Regulations when made. Directions when made in individual cases. LGA 2000 Section 66(1)+66(6)
7 Establish and maintain registers of members interests and gifts and hospitality	Section 81 LGA 2000 and Code of Conduct for Members and Co-opted Members of Rossendale Council
8 Advice to members on interpretation of the Code of Conduct for Members.	Code of Conduct for Members and Co-opted Members and regulations when made
9 Key role in promoting and maintaining high standards of conduct through support to the Standards Committee	DETR Guidance
10 Liaison with Standards Board and Ethical Standards Officers	New ethical framework, practical implications
11 New ethical framework functions in relation to Town Councils	Section 83(12) LGA 2000
12 Compensation for maladministration	Section 92 LGA 2000
13 Advice on vires issues, maladministration, financial impropriety, probity and policy framework and budget issues to all Members	DETR guidance

Confidential Information Protocol

Introduction

- 1.1 This Protocol supports Paragraph 4 (iv) of the Members' Code of Conduct which allows for the disclosure of confidential information by a Member where the disclosure is reasonable, in the public interest, made in good faith and complies with the reasonable requirements of the Council.
- 1.2 **This Protocol sets out the reasonable requirements of the Council:**
- (1) That careful consideration is given to the question of whether to make the disclosure and if the disclosure is made, the Member retains a note of the main considerations in reaching that decision.
 - (2) That the content of Committee reports, minutes, appendices or other documents that are marked as confidential or exempt items will not be disclosed without the prior written agreement of the Monitoring Officer who will re-consider the need to retain confidentiality under the provisions relating to exempt information under Schedule 12A of the Local Government Act 1972 and the Freedom of Information Act 2000.
 - (3) That the detail of legal or other professional advice is not disclosed without the prior written agreement of the Monitoring Officer.
 - (4) That the Council's Whistle-Blowing Policy and Anti Fraud and Corruption Policy are considered.
 - (5) That the current Member/Officer Protocol (found in Part V, of the Constitution) is considered.
 - (6) That the Members' Code of Conduct and associated guidance is considered.
 - (7) That the advice of the Monitoring Officer or Deputy Monitoring Officer is sought prior to disclosure of the information unless agreement has already been secured under (2) or (3) above.
- 1.3 Agreement to the disclosure of confidential information may be with or without conditions.
- 1.4 In instances involving particularly sensitive or highly confidential information, a Member may be asked to sign a confidentiality notice before information is released to them. In such cases, it would be the Council's expectation that the information is not disclosed.